

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lonnie Ray Patterson, a/k/a/ Lonnie R.)	
Patterson,)	C/A No. 6:09-0642-MBS
)	
Plaintiff,)	
)	
vs.)	O R D E R
)	
United States of America; Springfield)	
Prison, Just Care; and Monetta,)	
)	
Defendants.)	
_____)	

Plaintiff Lonnie Ray Patterson, appearing pro se, brings this action in forma pauperis. It appears that Plaintiff was transferred from Springfield, Missouri to Just Care in Columbia, South Carolina. Plaintiff apparently moved to Monetta, South Carolina, but was returned to Just Care for failing to take medications and complete job assignments. Plaintiff appears to assert that he was not willfully noncompliant, and that he did the work assigned to him. Plaintiff states he comes from a poor family. See generally Complaint (Entry 1).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915 and applicable precedents. On April 30, 2009, the Magistrate Judge issued a Report and Recommendation in which he determined that Plaintiff's claims fail to state a claim upon which relief may be granted under 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). Accordingly, the Magistrate Judge recommended that Plaintiff's complaint be dismissed

without prejudice and without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, Plaintiff's complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
May 28, 2009.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.